

1. AN AMENDMENT TO BE OFFERED BY
REPRESENTATIVE BRADY OF
TEXAS, OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES.

rev

**AMENDMENT TO H. R. 3973, AS REPORTED
OFFERED BY MR. BRADY OF TEXAS**

Page 2, after line 3, insert the following: "TITLE
I—EXTENSION OF DISCRETIONARY SPENDING
LIMITS AND PAY-AS-YOU-GO REQUIREMENTS".

Redesignate sections 2 through 9 as sections 101
through 108, respectively, and on page 10, after line 21,
add the following new title:

**1 TITLE II—ESTABLISHMENT OF
2 FEDERAL AGENCY SUNSET
3 COMMISSION**

**4 SEC. 201. REVIEW AND ABOLISHMENT OF FEDERAL AGEN-
5 CIES.**

6 (a) SCHEDULE FOR REVIEW.—Not later than one
7 year after the date of the enactment of this Act, the Fed-
8 eral Agency Sunset Commission established under section
9 202 (in this title referred to as the "Commission") shall
10 submit to Congress a schedule for review by the Commis-
11 sion, at least once every 12 years (or less, if determined
12 appropriate by Congress), of the abolishment or reorga-
13 nization of each agency.

1 (b) REVIEW OF AGENCIES PERFORMING RELATED
2 FUNCTIONS.—In determining the schedule for review of
3 agencies under subsection (a), the Commission shall pro-
4 vide that agencies that perform similar or related func-
5 tions be reviewed concurrently to promote efficiency and
6 consolidation.

7 (c) ABOLISHMENT OF AGENCIES.—

8 (1) IN GENERAL.—Each agency shall—

9 (A) be reviewed according to the schedule
10 created pursuant to this section; and

11 (B) be abolished not later than one year
12 after the date that the Commission completes
13 its review of the agency pursuant to such sched-
14 ule, unless the agency is reauthorized by the
15 Congress.

16 (2) EXTENSION.—The deadline for abolishing
17 an agency may be extended for an additional two
18 years after the date described in paragraph (1)(B)
19 if the Congress enacts legislation extending such
20 deadline by a vote of a super majority of the House
21 of Representatives and the Senate.

22 **SEC. 202. ESTABLISHMENT OF COMMISSION.**

23 (a) ESTABLISHMENT.—There is established a com-
24 mission to be known as the “Federal Agency Sunset Com-
25 mission”.

1 (b) COMPOSITION.—The Commission shall be com-
2 posed of 12 members (in this title referred to as the
3 “members”) who shall be appointed as follows:

4 (1) Six members shall be appointed by the
5 Speaker of the House of Representatives, one of
6 whom may include the Speaker of the House of Rep-
7 resentatives, with minority members appointed with
8 the consent of the minority leader of the House of
9 Representatives.

10 (2) Six members shall be appointed by the ma-
11 jority leader of the Senate, one of whom may include
12 the majority leader of the Senate, with minority
13 members appointed with the consent of the minority
14 leader of the Senate.

15 (c) QUALIFICATIONS OF MEMBERS.—

16 (1) IN GENERAL.—(A) Of the members ap-
17 pointed under subsection (b)(1), four shall be mem-
18 bers of the House of Representatives (not more than
19 two of whom may be of the same political party),
20 and two shall be an individual described in subpara-
21 graph (C).

22 (B) Of the members appointed under subsection
23 (b)(2), four shall be members of the Senate (not
24 more than two of whom may be of the same political

1 party) and two shall be an individual described in
2 subparagraph (C).

3 (C) An individual under this subparagraph is
4 an individual—

5 (i) who is not a member of Congress; and

6 (ii) with expertise in the operation and ad-
7 ministration of Government programs.

8 (2) CONTINUATION OF MEMBERSHIP.—If a
9 member was appointed to the Commission as a
10 Member of Congress and the member ceases to be
11 a Member of Congress, that member shall cease to
12 be a member of the Commission. The validity of any
13 action of the Commission shall not be affected as a
14 result of a member becoming ineligible to serve as
15 a member for the reasons described in this para-
16 graph.

17 (d) INITIAL APPOINTMENTS.—All initial appoint-
18 ments to the Commission shall be made not later than 90
19 days after the date of the enactment of this Act.

20 (e) CHAIRMAN; VICE CHAIRMAN.—

21 (1) INITIAL CHAIRMAN.—An individual shall be
22 designated by the Speaker of the House of Rep-
23 resentatives from among the members initially ap-
24 pointed under subsection (b)(1) to serve as chairman
25 of the Commission for a period of 2 years.

1 (2) INITIAL VICE-CHAIRMAN.—An individual
2 shall be designated by the majority leader of the
3 Senate from among the individuals initially ap-
4 pointed under subsection (b)(2) to serve as vice-
5 chairman of the Commission for a period of two
6 years.

7 (3) ALTERNATE APPOINTMENTS OF CHAIRMEN
8 AND VICE-CHAIRMEN.—Following the termination of
9 the two-year period described in paragraphs (1) and
10 (2), the Speaker and the majority leader shall alter-
11 nate every two years in appointing the chairman and
12 vice-chairman of the Commission.

13 (f) TERMS OF MEMBERS.—

14 (1) MEMBERS OF CONGRESS.—Each member
15 appointed to the Commission who is a member of
16 Congress shall serve for a term of six years, except
17 that, of the members first appointed under para-
18 graphs (1) and (2) of subsection (b), 2 members
19 shall be appointed to serve a term of three years
20 under each such paragraph.

21 (2) OTHER MEMBERS.—Each member of the
22 Commission who is not a member of Congress shall
23 serve for a term of three years.

24 (3) TERM LIMIT.—(A) A member of the Com-
25 mission who is a member of Congress and who

1 serves more than three years of a term may not be
2 appointed to another term as a member.

3 (B) A member of the Commission who is not a
4 member of Congress and who serves as a member of
5 the Commission for more than 56 months may not
6 be appointed to another term as a member.

7 (g) POWERS OF COMMISSION.—

8 (1) HEARINGS AND SESSIONS.—The Commis-
9 sion may, for the purpose of carrying out this title,
10 hold such hearings, sit and act at such times and
11 places, take such testimony, and receive such evi-
12 dence as the Commission considers appropriate. The
13 Commission may administer oaths to witnesses ap-
14 pearing before it.

15 (2) OBTAINING INFORMATION.—The Commis-
16 sion may secure directly from any department or
17 agency of the United States information necessary
18 to enable it to carry out its duties under this title.
19 Upon request of the Chairman, the head of that de-
20 partment or agency shall furnish that information to
21 the Commission in a full and timely manner.

22 (3) SUBPOENA POWER.—(A) The Commission
23 may issue a subpoena to require the attendance and
24 testimony of witnesses and the production of evi-

1 dence relating to any matter under investigation by
2 the Commission.

3 (B) If a person refuses to obey an order or sub-
4 poena of the Commission that is issued in connection
5 with a Commission proceeding, the Commission may
6 apply to the United States district court in the judi-
7 cial district in which the proceeding is held for an
8 order requiring the person to comply with the sub-
9 poena or order.

10 (4) IMMUNITY.—The Commission is an agency
11 of the United States for purposes of part V of title
12 18, United States Code (relating to immunity of wit-
13 nesses).

14 (5) CONTRACT AUTHORITY.—The Commission
15 may contract with and compensate government and
16 private agencies or persons for services without re-
17 gard to section 3709 of the Revised Statutes (41
18 U.S.C. 5).

19 (h) COMMISSION PROCEDURES.—

20 (1) MEETINGS.—The Commission shall meet at
21 the call of the Chairman.

22 (2) QUORUM.—Seven members of the Commis-
23 sion shall constitute a quorum but a lesser number
24 may hold hearings.

25 (i) PERSONNEL MATTERS.—

1 (1) COMPENSATION.—Members shall not be
2 paid by reason of their service as members.

3 (2) TRAVEL EXPENSES.—Each member shall
4 receive travel expenses, including per diem in lieu of
5 subsistence, in accordance with sections 5702 and
6 5703 of title 5, United States Code.

7 (3) DIRECTOR.—The Commission shall have a
8 Director who shall be appointed by the Chairman.
9 The Director shall be paid at a rate not to exceed
10 the maximum rate of basic pay payable for GS-15
11 of the General Schedule.

12 (4) STAFF.—The Director may appoint and fix
13 the pay of additional personnel as the Director con-
14 siders appropriate.

15 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
16 LAWS.—The Director and staff of the Commission
17 shall be appointed subject to the provisions of title
18 5, United States Code, governing appointments in
19 the competitive service, and shall be paid in accord-
20 ance with the provisions of chapter 51 and sub-
21 chapter III of chapter 53 of that title relating to
22 classification and General Schedule pay rates.

23 (j) OTHER ADMINISTRATIVE MATTERS.—

24 (1) POSTAL AND PRINTING SERVICES.—The
25 Commission may use the United States mails and

1 obtain printing and binding services in the same
2 manner and under the same conditions as other de-
3 partments and agencies of the United States.

4 (2) ADMINISTRATIVE SUPPORT SERVICES.—

5 Upon the request of the Commission, the Adminis-
6 trator of General Services shall provide to the Com-
7 mission, on a reimbursable basis, the administrative
8 support services necessary for the Commission to
9 carry out its duties under this title.

10 (3) EXPERTS AND CONSULTANTS.—The Com-
11 mission may procure temporary and intermittent
12 services under section 3109(b) of title 5, United
13 States Code.

14 (k) SUNSET OF COMMISSION.—The Commission shall
15 terminate on December 31, 2026, unless reauthorized by
16 Congress.

17 **SEC. 203. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL**
18 **AGENCIES.**

19 (a) IN GENERAL.—The Commission shall review the
20 efficiency and public need for each agency in accordance
21 with the criteria described in section 204.

22 (b) RECOMMENDATIONS; REPORT TO CONGRESS.—
23 The Commission shall submit to Congress and the Presi-
24 dent not later than September 1 of each year a report
25 containing—

1 (1) an analysis of the efficiency of operation
2 and public need for each agency to be reviewed in
3 the year in which the report is submitted pursuant
4 to the schedule submitted to Congress under section
5 201;

6 (2) recommendations on whether each such
7 agency should be abolished or reorganized;

8 (3) recommendations on whether the functions
9 of any other agencies should be consolidated, trans-
10 ferred, or reorganized in an agency to be reviewed
11 in the year in which the report is submitted pursu-
12 ant to the schedule submitted to Congress under
13 section 201; and

14 (4) recommendations for administrative and
15 legislative action with respect to each such agency,
16 but not including recommendations for appropriation
17 levels.

18 (c) DRAFT LEGISLATION.—The Commission shall
19 submit to Congress and the President not later than Sep-
20 tember 1 of each year a draft of legislation to carry out
21 the recommendations of the Commission under subsection
22 (b).

23 (d) INFORMATION GATHERING.—The Commission
24 shall—

1 (1) conduct public hearings on the abolishment
2 of each agency reviewed under subsection (b);

3 (2) provide an opportunity for public comment
4 on the abolishment of each such agency;

5 (3) require the agency to provide information to
6 the Commission as appropriate; and

7 (4) consult with the General Accounting Office,
8 the Office of Management and Budget, the Comp-
9 troller General, and the chairman and ranking mi-
10 nority members of the committees of Congress with
11 oversight responsibility for the agency being re-
12 viewed regarding the operation of the agency.

13 (e) USE OF PROGRAM INVENTORY.—The Commis-
14 sion shall use the program inventory prepared under sec-
15 tion 208 in reviewing the efficiency and public need for
16 each agency under subsection (a).

17 **SEC. 204. CRITERIA FOR REVIEW.**

18 The Commission shall evaluate the efficiency and
19 public need for each agency pursuant to section 203(a)
20 using the following criteria:

21 (1) The effectiveness, and the efficiency of the
22 operation of, the programs carried out by each such
23 agency.

24 (2) Whether the programs carried out by the
25 agency are cost-effective.

1 (3) Whether the agency has acted outside the
2 scope of its original authority, and whether the origi-
3 nal objectives of the agency have been achieved.

4 (4) Whether less restrictive or alternative meth-
5 ods exist to carry out the functions of the agency.

6 (5) The extent to which the jurisdiction of, and
7 the programs administered by, the agency duplicate
8 or conflict with the jurisdiction and programs of
9 other agencies.

10 (6) The potential benefits of consolidating pro-
11 grams administered by the agency with similar or
12 duplicative programs of other agencies, and the po-
13 tential for consolidating such programs.

14 (7) The number and types of beneficiaries or
15 persons served by programs carried out by the agen-
16 cy.

17 (8) The extent to which any trends, develop-
18 ments, and emerging conditions that are likely to af-
19 fect the future nature and extent of the problems or
20 needs that the programs carried out by the agency
21 are intended to address.

22 (9) The extent to which the agency has com-
23 plied with the provisions contained in the Govern-
24 ment Performance and Results Act of 1993 (Public
25 Law 103-62; 107 Stat. 285).

1 (10) The promptness and effectiveness with
2 which the agency seeks public input and input from
3 State and local governments on the efficiency and ef-
4 fectiveness of the performance of the functions of
5 the agency.

6 (11) Whether the agency has worked to enact
7 changes in the law that are intended to benefit the
8 public as a whole rather than the specific business,
9 institution, or individuals that the agency regulates.

10 (12) The extent to which the agency has en-
11 couraged participation by the public as a whole in
12 making its rules and decisions rather than encour-
13 aging participation solely by those it regulates.

14 (13) The extent to which the public participa-
15 tion in rulemaking and decisionmaking of the agency
16 has resulted in rules and decisions compatible with
17 the objectives of the agency.

18 (14) The extent to which the agency complies
19 with section 552 of title 5, United States Code (com-
20 monly known as the "Freedom of Information Act").

21 (15) The extent to which the agency complies
22 with equal employment opportunity requirements re-
23 garding equal employment opportunity.

1 (16) The extent of the regulatory, privacy, and
2 paperwork impacts of the programs carried out by
3 the agency.

4 (17) The extent to which the agency has coordi-
5 nated with State and local governments in per-
6 forming the functions of the agency.

7 (18) The potential effects of abolishing the
8 agency on State and local governments.

9 (19) The extent to which changes are necessary
10 in the authorizing statutes of the agency in order
11 that the functions of the agency can be performed
12 in the most efficient and effective manner.

13 **SEC. 205. COMMISSION OVERSIGHT.**

14 (a) **MONITORING OF IMPLEMENTATION OF REC-**
15 **OMMENDATIONS.**—The Commission shall monitor imple-
16 mentation of laws enacting provisions that incorporate rec-
17 ommendations of the Commission with respect to abolish-
18 ment or reorganization of agencies.

19 (b) **MONITORING OF OTHER RELEVANT LEGISLA-**
20 **TION.**—

21 (1) **IN GENERAL.**—The Commission shall review
22 and report to Congress on all legislation introduced
23 in either house of Congress that would establish—

24 (A) a new agency;

1 (B) a new program to be carried out by an
2 existing agency.

3 (2) REPORT TO CONGRESS.—The Commission
4 shall include in each report submitted to Congress
5 under paragraph (1) an analysis of whether—

6 (A) the functions of the proposed agency
7 or program could be carried out by one or more
8 existing agencies;

9 (B) the functions of the proposed agency
10 or program could be carried out in a less re-
11 strictive manner than the manner proposed in
12 the legislation; and

13 (C) the legislation provides for public input
14 regarding the performance of functions by the
15 proposed agency or program.

16 **SEC. 206. RULEMAKING AUTHORITY.**

17 The Commission may promulgate such rules as nec-
18 essary to carry out this title.

19 **SEC. 207. RELOCATION OF FEDERAL EMPLOYEES.**

20 If the position of an employee of an agency is elimi-
21 nated as a result of the abolishment of an agency in ac-
22 cordance with this title, there shall be a reasonable effort
23 to relocate such employee to a position within another
24 agency.

1 **SEC. 208. PROGRAM INVENTORY.**

2 (a) PREPARATION.—The Comptroller General and
3 the Director of the Congressional Budget Office, in co-
4 operation with the Director of the Congressional Research
5 Service, shall prepare an inventory of Federal programs
6 (in this title referred to as the “program inventory”) with-
7 in each agency.

8 (b) PURPOSE.—The purpose of the program inven-
9 tory is to advise and assist the Congress and the Commis-
10 sion in carrying out the requirements of this title. Such
11 inventory shall not in any way bind the committees of the
12 Senate or the House of Representatives with respect to
13 their responsibilities under this title and shall not infringe
14 on the legislative and oversight responsibilities of such
15 committees. The Comptroller General shall compile and
16 maintain the inventory and the Director of the Congres-
17 sional Budget Office shall provide budgetary information
18 for inclusion in the inventory.

19 (c) INVENTORY CONTENT.—The program inventory
20 shall set forth for each program each of the following mat-
21 ters:

22 (1) The specific provision or provisions of law
23 authorizing the program.

24 (2) The committees of the Senate and the
25 House of Representatives which have legislative or
26 oversight jurisdiction over the program.

1 (3) A brief statement of the purpose or pur-
2 poses to be achieved by the program.

3 (4) The committees which have jurisdiction over
4 legislation providing new budget authority for the
5 program, including the appropriate subcommittees of
6 the Committees on Appropriations of the Senate and
7 the House of Representatives.

8 (5) The agency and, if applicable, the subdivi-
9 sion thereof responsible for administering the pro-
10 gram.

11 (6) The grants-in-aid, if any, provided by such
12 program to State and local governments.

13 (7) The next reauthorization date for the pro-
14 gram.

15 (8) A unique identification number which links
16 the program and functional category structure.

17 (9) The year in which the program was origi-
18 nally established and, where applicable, the year in
19 which the program expires.

20 (10) Where applicable, the year in which new
21 budget authority for the program was last author-
22 ized and the year in which current authorizations of
23 new budget authority expire.

1 (d) BUDGET AUTHORITY.—The report also shall set
2 forth for each program whether the new budget authority
3 provided for such programs is—

4 (1) authorized for a definite period of time;

5 (2) authorized in a specific dollar amount but
6 without limit of time;

7 (3) authorized without limit of time or dollar
8 amounts;

9 (4) not specifically authorized; or

10 (5) permanently provided,

11 as determined by the Director of the Congressional Budg-
12 et Office.

13 (e) CBO INFORMATION.—For each program or group
14 of programs, the program inventory also shall include in-
15 formation prepared by the Director of the Congressional
16 Budget Office indicating each of the following matters:

17 (1) The amounts of new budget authority au-
18 thorized and provided for the program for each of
19 the preceding four fiscal years and, where applicable,
20 the four succeeding fiscal years.

21 (2) The functional and subfunctional category
22 in which the program is presently classified and was
23 classified under the fiscal year 2001 budget.

1 (3) The identification code and title of the ap-
2 propriation account in which budget authority is
3 provided for the program.

4 (f) MUTUAL EXCHANGE OF INFORMATION.—The
5 General Accounting Office, the Congressional Research
6 Service, and the Congressional Budget Office shall permit
7 the mutual exchange of available information in their pos-
8 session which would aid in the compilation of the program
9 inventory.

10 (g) ASSISTANCE BY EXECUTIVE BRANCH.—The Of-
11 fice of Management and Budget, and the Executive agen-
12 cies and the subdivisions thereof shall, to the extent nec-
13 essary and possible, provide the General Accounting Office
14 with assistance requested by the Comptroller General in
15 the compilation of the program inventory.

16 **SEC. 209. DEFINITION OF AGENCY.**

17 As used in this title, the term “agency” has the
18 meaning given that term by section 105 of title 5, United
19 States Code, except that such term includes an advisory
20 committee as that term is defined in section 102(2) of the
21 Federal Advisory Committee Act.

22 **SEC. 210. OFFSET OF AMOUNTS APPROPRIATED.**

23 Amounts appropriated to carry out this title shall be
24 offset by a reduction in amounts appropriated to carry out
25 programs of other Federal agencies.